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THE INSIDER

POWER POLITICS

Chief Justice Douglas?

When and if the impeachment trial of Richard Nixon begins, the Constitution requires that the event be presided over by the Chief Justice of the United States—in this case, Nixon-appointee Warren Burger. But with Burger gone from his duties at the Supreme Court, the acting chief would be none other than William O. Douglas, the court's senior and most liberal justice.

Actually, since the trial would probably begin in the summer when the justices are on vacation, Douglas would not have much to do. But if the trial ran into October, Douglas could do a lot. In all probability, with only eight members of the court able to hear cases, the most controversial subjects would be put off until the court had its full membership again. But even before the court's official opening in October, if any sticky legal questions arose at the conspiracy trial of Haldeman, Ehrlichman, Mitchell, Colson, et al.—now scheduled to begin in September—it is possible that an eight-man court headed by Douglas would be deciding those issues.

Douglas: to replace Burger

Sen. Russell Long: already paid for

Every time Wilbur Mills starts to lay into Nixon about his tax returns, you may have noticed that Sen. Russell Long, the Democratic chairman of the Joint Congressional Committee on Internal Revenue Taxation, jumps up to defend the President. One reason for this strange behavior is that if it weren't for the Nixon Justice Department, Russell Long might very well have been in jail today, or at the very least, a disgraced man.

Back in 1970 a federal grand jury in Baltimore was looking into improprieties involved in the construction of the House of Representative's parking garage, and Long was among those under investigation. The prosecutors had strong but uncorroborative evidence against Long from the former administrative assistant to Sen. Daniel Brewster. The tough, young U.S. attorney, Stephen Sachs, thought he had enough to indict Long. But his bosses at the Justice Department said no.

A few months later Sachs and his grand jury decided instead to indict the contractor in the case. The indictment would contain facts that would be highly embarrassing to Long, facts that raised questions of a bribe. Although Long would not actually be indicted himself, his name would be mentioned frequently in the indictment. Sachs met with Attorney General John Mitchell to lay out the case. A few days later the word came down that the contractor could not be indicted.

The grand jury rebelled and went to the extraordinary length of giving the judge a "presentment," which was the sealed indictment the grand jury would have brought if allowed to. Sachs stood up and said he, too, wanted to sign the indictment. And then he resigned.

Russell Long, then, owes Richard Nixon and John Mitchell his political life, if not his freedom. And whether it's on taxes or impeachment, as one Senate source put it, "Russell Long is one vote Nixon has already bought and paid for."— **Nina Totenberg**

Watergate tip sheet: primaries to watch

The year of Watergate fallout is upon us. For the first time in a long while, off-year elections are going to arouse some interest, maybe even some excitement. Here are the upcoming primaries that are catching the notice of political professionals:

Arkansas: The featured race here is the Democratic primary for the

Long: loyal friend

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